

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ALEXANDER MURDOCH, an
individual, and JULIAN
MURDOCH, an individual,

Plaintiffs,

v.

KELLY EDGAR,

Defendant.

NO. CV-08-3057-LRS

**ORDER GRANTING
MOTION FOR SANCTIONS,
*INTER ALIA***

BEFORE THE COURT is the Plaintiffs' "Motion For Sanctions Pursuant To FRCP 37(b)(2)(A)." (Ct. Rec. 17).

Good cause appearing, the Defendant having filed no response to the motion, and the Defendant having not disputed that he did not comply with this court's February 27, 2009 "Order Granting Motion To Compel" (Ct. Rec. 16), Plaintiffs' Motion For Sanctions (Ct. Rec. 17) is **GRANTED**.

In the "Order Granting Motion To Compel," Defendant was expressly cautioned that failure to comply with that order might result in the imposition of one or more of the sanctions specified in Fed. R. Civ. P. 37(b)(2)(A), including default judgment. The entry of default judgment is appropriate, not only for Defendant's failure to comply with the "Order Granting Motion To Compel," but also because it is apparent that he has no intention of defending against this lawsuit as evidenced by his failure to respond to the Plaintiffs' Motion For Sanctions, as well as his failure to respond to the Plaintiffs' Motion For Summary

**ORDER GRANTING
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1 Judgment (Ct. Rec. 22). Furthermore, the damages sought by the Plaintiffs
2 represent a sum certain and therefore, entry of default judgment by the District
3 Executive is proper pursuant to Fed. R. Civ. P. 55(b)(1).

4 **The District Executive is directed to enter a default judgment in favor**
5 **of the Plaintiffs and against the Defendant in the sum of \$443,772.00,**
6 **consisting of the principal sum of \$413,325.00, plus Plaintiffs' fees and costs**
7 **in the sum of \$30,447.00.**

8 Plaintiff's Motion For Summary Judgment (Ct. Rec. 22) is **DISMISSED as**
9 **being moot** due to the entry of default judgment as a sanction for Defendant's
10 failure to comply with the "Order Granting Motion To Compel."

11 **IT IS SO ORDERED.** The District Court Executive is directed to enter
12 this order and to provide copies to counsel for Plaintiffs, and to the Defendant. The
13 District Executive shall **CLOSE** this file.

14 **DATED** this 12th day of May, 2009.

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16 *s/Lonny R. Suko*

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LONNY R. SUKO
United States District Judge

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28 **ORDER GRANTING**
MOTION FOR SANCTIONS-